

100 Days Down But Senate to Go

for Most 'Contract' Items

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In less than the promised 100 days, House Republicans raced through their ambitious program to reverse decades of activist government, setting a legislative pace that rivals Congress' work on Lyndon B. Johnson's Great Society in the first months of 1965.

They have touched everything from their own rules and children's school lunches to taxes and property rights. They have moved the action from the White House to Capitol Hill. And they have dominated the national debate

and pulled it hard to the right.

"I don't know of any time since the New Deal and the Depression and the first 100 days of Franklin Roosevelt that you have seen the [same] kind of effort and energy put into passing a set of commitments," House Speaker Newt Gingrich (R-Ga.) said of the GOP-led House late last week.

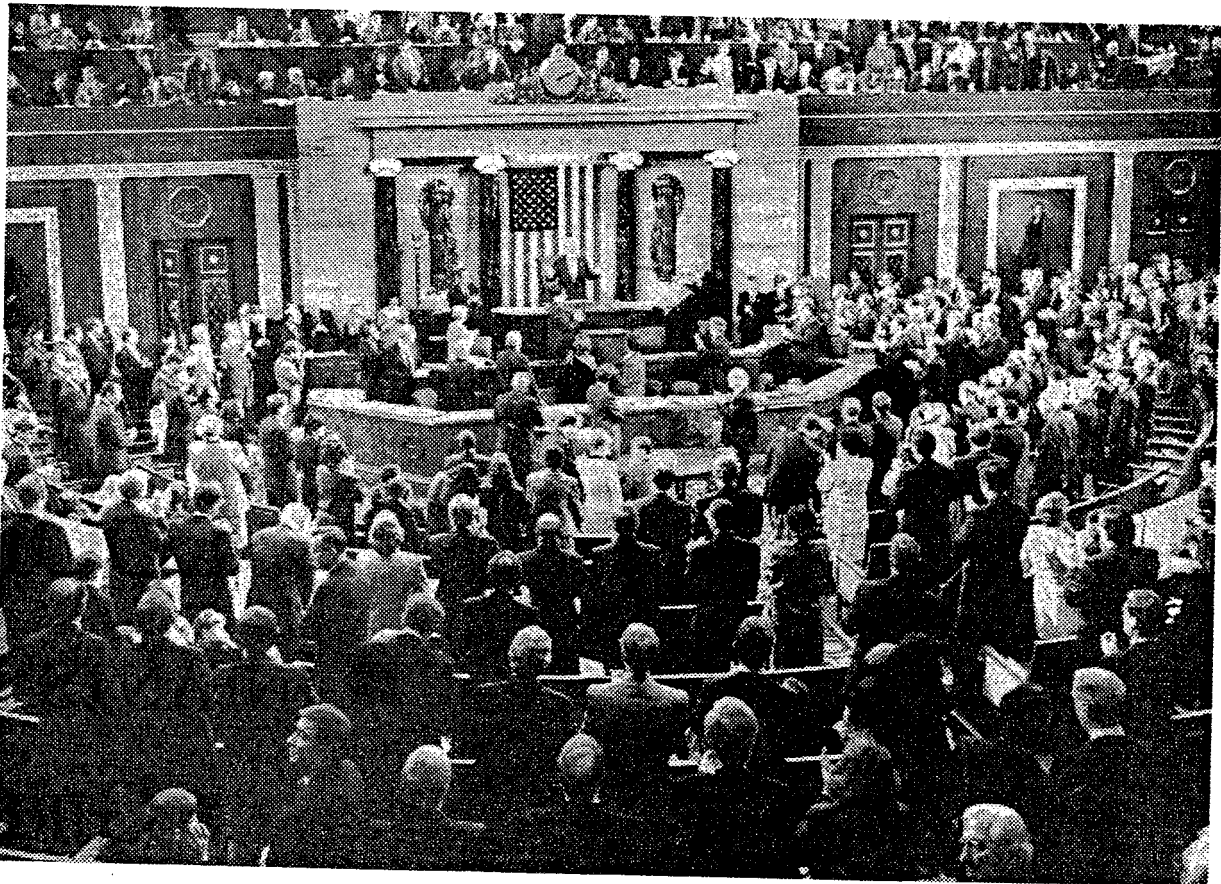
From the beginning, Gingrich has played off the notion of the first 100 days of the New Deal. In many ways, however, it is an imperfect comparison. During Roosevelt's first 100 days, a large amount of substantial legislation was enacted to deal with the ravages of the Great Depression. In this case, one house of Congress

has moved a significant agenda, but much of the work remains unfinished.

Neither of the two contract-based bills President Clinton has signed—restricting unfunded federal mandates on the states and forcing Congress to comply with employment laws—match the major relief and recovery programs of Roosevelt's 100 days.

One House-passed bill would actually dismantle much of the social welfare system that originated in New Deal legislation. Others likewise seek to undo the centralization of power that also arrived with the Roosevelt era.

Like the welfare bill, the most important and controversial legislation



House Speaker Newt Gingrich set a pace for GOP representatives in the 104th Congress that has not been seen since early days of the Great Society or the New Deal, but there the similarities between ambitious programs end.

BY L. MORRIS FOR THE WASHINGTON POST

THE CONTRACT WITH AMERICA: FINAL HOUSE SCORECARD

With a week to spare in its first 100 days, the House has passed all but one of the items, the Senate has passed one complete item and parts of others, and President Clinton has signed one item into law.

KEY: ✓ Passed  Passed by House, Senate
✗ Rejected ↔ In progress

	House		Senate		Conference	
	Committee	Floor	Committee	Floor	Final	President
► Congressional reforms	✓	✓	✓	✓		✓
► Fiscal Accountability Act						
Balanced budget amendment	✓	✓	✓	✗		
Line-item veto	✓	✓	✓	✓		
Three-fifths majority to raise taxes ¹	✓	✗				
► Crime bill	✓	✓	↔			
Sentencing for handgun crimes	Delayed					
► Welfare reform						
AFDC, SSI, Social Services	✓	✓	↔			
Child support enforcement	✓	✓	↔			
School lunch, WIC, child care	✓	✓	↔			
Food stamps	✓	✓	↔			
► Stronger child-pornography laws	✓	✓		✓		
► Tax breaks, Social Security						
Tax breaks for child adoptions and elder care	✓	✓	↔			
Reduce capital gains tax	✓	✓	↔			
\$500 per child tax credit	✓	✓	↔			
Repeal marriage tax penalty	✓	✓	↔			
Expand IRA savings accounts	✓	✓	↔			
Raise Social Security earnings limit	✓	✓	↔			
Repeal 1993 tax hikes on Social Security benefits	✓	✓	↔			
► Defense bill						
Military defense strategy panel	✓	✓				
Cut spending on peacekeeping operations	✓	✓				
Congressional approval for peacekeeping	✓	✗				
Revitalize "Star Wars"	✓	✗				
Restrict U.N. command of U.S. troops	✓	✓	↔			
► Economic growth and regulatory reform						
Regulatory moratorium	✓	✓	✓	✗ ²		
Restrict unfunded mandates	✓	✓	✓	✓	✓	✓
Paperwork reduction act	✓	✓	✓	✓	✓	✓
Property rights act	✓	✓				
Risk assessment	✓	✓	✓ ³			
► Legal Reform						
"Loser pays" laws	✓	✓				
Limit punitive damages	✓	✓	✓			
Reform product liability laws	✓	✓	✓			
► Term limits	✓	✗	✓			

¹ Rejected by House as statutory change; approved as House rule.

² Instead approved a 45-day congressional review.

³ A tougher bill similar to the House version is pending before the Judiciary Committee.

—Compiled by Ann O'Hanlon

that the House has approved this year faces varying degrees of trouble in the Senate. "Most of [the House contract] will be addressed in one form or another, but a lot of it may be changed," Senate Majority Whip Trent Lott (R-Miss.) said. Even if approved by the Senate, at least some could run into a presidential veto.

Gingrich said in his televised speech Friday night that the contract "has never been about curing all the ills of the nation. . . . The contract's purpose has been to show that change is possible."

With approval Thursday of the last

bill listed in the contract, the House completed action within 93 days on two-dozen pieces of legislation drawn from the 10-point contract, which was based partly on public opinion surveys. The only major item defeated was a constitutional amendment to limit congressional terms. Stiffer prison sentences for gun-related crimes were left aside until after the spring recess to avoid a divisive battle over an assault weapons ban.

The contract also promised "fair and open rules" for floor debate and amendment of its legislative proposals, but only about one-third of the bills came to the floor under such conditions. Still, Republicans said they had been more fair than Democrats ever had been as a House majority.

Only House action was promised by the 100th day, avoiding direct responsibility for the far slower-moving Senate. It has approved only three major contract bills, along with a couple of smaller ones.

While Congress shied away from amending the Constitution, about half the contract's bills challenge many long-standing assumptions about how government operates.

Several House initiatives—including a balanced budget amendment to the Constitution that the Senate re-

jected and Republicans hope to revive—challenge the principle of majority rule by requiring "supermajorities" for passage of some taxing and spending decisions.

Regulatory, welfare and other legislation seek fundamental shifts in power among branches of the federal government or from Washington to the states. Still other proposals, including civil litigation rules and anti-crime measures such as warrantless searches, shift the pendulum away from individual rights toward societal and property rights.

Academic observers offered varying preliminary judgments about the significance of the most intense period of lawmaking on Capitol Hill in at least 30 years.

"It certainly is the most remarkable period I can remember in terms of Congress taking the policy initiative away from the president," said John Bibby, a political scientist at the University of Wisconsin-Milwaukee. "This is . . . rather fundamental change, especially in the devolution of power back to the states."

Fred I. Greenstein, a political scientist at Princeton University, questioned the lasting impact of "reforms" on a hardy government that survived cutbacks during President Ronald

Reagan's early years. "It's like some corner of a tropical rain forest," he said. "It will grow back."

Critics have also raised constitutional questions about several contract provisions.

"They put politics over the Constitution," said David Cole, a law professor at Georgetown University. "Republicans think they got elected on the contract, so they're going to do the contract irrespective of constitutional concerns."

Twenty-six Democrats led by Rep. David Skaggs (D-Colo.) have filed a constitutional challenge to a new House rule requiring a three-fifths majority to approve income tax rate increases. They charge that the rule gives the fundamental taxing power of Congress to a minority of House members.

The line-item veto would expand presidential powers, although Greenstein questioned how much based on the experience of governors with similar authority and the reluctance of some presidents, including Clinton so far, to use their veto authority. On the other hand, a national security bill attempts to restrict presidential powers to send U.S. troops on United Nations

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New Obstacles, Slower Pace Predicted

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peacekeeping missions and negotiate treaties expanding NATO.

"It is diminishing the presidency when that suits the polls and strengthening the presidency when that suits the polls," Skaggs said.

"I don't think there was a conscious effort to reshape the Constitution," House Judiciary Chairman Henry J. Hyde (R-Ill.) said. "These subjects were selected as a result of polling and history . . . [to include] things the Democrats would never touch."

House Majority Leader Richard K. Armey (R-Tex.) described the contract's sensitivity to public opinion as a virtue because "it did restore the bonds of trust between the people of the United States and their elected representatives."

Democratic critics, focusing on tax and budget cuts, have tried to cast the contract as mean to the poor, kind to the rich and insensitive to the middle-class. House Minority Leader Richard A. Gephardt (D-Mo.) denounced it as "a contract to help the people who don't need help in our society, the richest, best-off Americans." Sen. Robert C. Byrd (D-W.Va.) predicted the contract would fail "because it plays on people's fears and anger, instead of nourishing their hopes and their dreams."

The Senate sent an early signal of its skepticism of the contract by rejecting the balanced budget amendment, approving a quite different version of line-item veto legislation and scrapping the House's regulatory moratorium in favor of a congressional review procedure for new rules.

Now senators are issuing similar

warnings about the House's \$189 billion package of tax cuts and the most severe aspects of the House's

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—Sen. John Glenn

welfare, anti-regulation and property rights bills.

"I think most of the bills will pass in the Senate in some form, but they will be significantly moderated," predicted Sen. James M. Jeffords (R-Vt.), one of a handful of GOP centrists critical to shaping and passing the legislation.

"The Senate is going to take a far more studied and long-term look," Sen. John Glenn (D-Ohio) said. "There may be some good coming out of this, but it will be because the Senate slowed down and didn't act like a bunch of lemmings."

It will probably take 60 votes—more than the 54 that Senate Republicans have—to overcome a Democratic filibuster against many of the biggest bills, Sen. John B. Breaux (D-La.) said.

Even after surgery by the Senate, contract initiatives face the possibility of a presidential veto and the difficulty of marshaling a two-thirds majority needed for an override. Clinton could also use veto threats to help shape bills more to his liking in the Senate. Clinton intends to select "big vetoes

over big, defining issues," as one official put it.

A senior administration official said that welfare provides the "best chance" for compromise on a major bill. Vetoes appear most likely to be used to protect children's and education programs, including infant formula, national service and student loans. The House package of tax cuts would be unacceptable, the official said, but the administration is counting on the Senate to roll them back. Anti-crime legislation appears to be negotiable as long as repeal of the assault weapons ban is not included.

Other post-contract issues and votes could determine the ultimate historical significance of the first 100 days. "The real test of whether the 104th Congress is revolutionary comes after the 100 days when the Republicans start to consider seriously budget proposals," Pitney said. "If you start to see Cabinet departments topple, that's revolutionary."

James A. Thurber, a government professor at American University, also saw difficulties in complex issues that Congress is to face this spring and summer, ranging from telecommunications to toxic wastes. The budget could also pit individual members' interests against the more partisan goals of the contract.

"The contract is really a starting point for negotiations," said John J. Pitney Jr., a government professor at Claremont McKenna College. "Whatever finally passes and gets signed by the president will be far more than [would] without the contract."

Staff writer Ann Devroy contributed to this report.